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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/709,092   | 04/13/2004  | Edwin Palesch        | P7475US             | 3091             |
| 30008  | 7590        | 09/20/2004           | EXAMINER            |                  |
| GUDRUN E. HUCKETT DRAUDT<br>LONSSTR. 53<br>WUPPERTAL, 42289<br>GERMANY |             |                      | CORRIGAN, JAIME W   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3748                |                  |

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                |  |
|------------------------------|--------------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/709,092 | <b>Applicant(s)</b><br>PALESCH |  |
|                              | <b>Examiner</b><br>Jaime W Corrigan  | <b>Art Unit</b><br>3748        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Arikawa (PN 4,854,649).

Regarding claim 1 Arikawa discloses a solenoid valve (See Figure 1 (60)) configured to control flow of a pressure medium (See Abstract); a camshaft adjuster (See Figure 2 (30)) having a rotary slide valve (See Figure 2 (32)), wherein the rotary slide valve is configured to be fixedly connected to the camshaft and has at least one piston (See Figure 2 (32)) to be acted on by the pressure medium at both piston ends (See Figure 2 (40), (42)).

Regarding claim 2 Arikawa discloses an auxiliary (See Figure 2 (25a)) pressure medium volume is supplied to the pressure medium acting on the at least one piston (See Figure 2 (32)) for adjusting the at least one piston.

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Regarding claim 3 Arikawa discloses at least one auxiliary storage (See Figure 1 (22)), wherein the auxiliary pressure medium volume (See Figure 2 (25a)) is stored in the at least one auxiliary storage.

Regarding claim 4 Arikawa discloses the at least one auxiliary storage is open to the atmosphere (See Figure 1 (22), (7b)).

Regarding claim 5 Arikawa discloses a pressure medium tank (See Figure 1 (7)), wherein the at least one auxiliary storage (See Figure 1 (22)) has at least one overflow (See Figure 1 (7a)) line connected to the pressure medium tank.

Regarding claim 6 Arikawa discloses the at least one auxiliary storage (See Figure 1 (22)) is a pressure storage.

Regarding claim 7 Arikawa discloses at least one pump (See Figure 1 (20)) arranged downstream of the at least one auxiliary storage.

Regarding claim 8 Arikawa discloses the pump is an electromagnetic pump (See Figure 1 (20)).

Regarding claim 9 Arikawa discloses the pump (See Figure 1 (20)) comprises a piston configured to supply the auxiliary pressure medium volume (See Figure 2 (25a)) to the pressure medium acting on the at least one piston.

Regarding claim 10 Arikawa discloses a supply line (See Figure 1 (3a)) configured to supply the auxiliary pressure medium volume to the pressure medium, wherein the piston of the pump (See Figure 1 (20)) has an initial position and in the initial position closes of the supply line (See Figure 1 (3a)).

Regarding claim 11 Arikawa discloses the camshaft adjuster (See Figure 2 (30)) is configured to return the pressure medium into the auxiliary storage (See Figure 1 (22)) after the engine has been started and the solenoid valve (See Figure 1 (60)) has been switched.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tamai et al. (PN 5,174,635), Uppal (PN 5,799,694) disclose similar actuating devices.

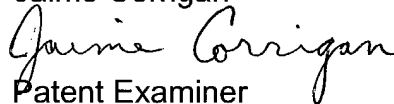
Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose telephone number is (703) 308-2639. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2<sup>nd</sup> Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (703) 308-2623. The fax number for this group is (703) 872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

JC

Jaime Corrigan  
  
Patent Examiner

September 19, 2004

Art Unit 3748

  
THOMAS DENION  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700